Irrigation

Publication of the report of the Geological Experts regarding sub-soil survey.

269 *Q.*—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(*a*) the result of the recent sub-soil survey by geological experts; and

(*b*) whether the Government will be pleased to lay on the table the report of the special officers deputed for such geological survey?

A.—The report on the results of the soil survey of the Tungabhadra Project has not yet been received by Government. It is expected to be available only in March 1936.

Progress of the Tungabhadra Project.

270 *Q.*—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state at what stage the Tungabhadra Project stands?

A.—The attention of the hon. Member is invited to the answer to clause (*b*) of question No. 159 (New No. 152).

III.—ADJOURNMENT MOTION *RE* RECONSTITUTION OF GUNTUR DISTRICT EDUCATIONAL COUNCIL.

Mr. P. V. KRISHNAYYA CHOUDARI:—" Sir, I beg leave to move the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the issue by the Local Government, of G.O. Ms. No. 2076, Law (Education), dated 17th October 1935, regarding the reconstitution of the Guntur District Educational Council." 12 noon.

* The Hon. the PRESIDENT:—" The hon. Member may explain the urgency of the matter briefly."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, when the taluk boards were abolished, we amended the Elementary Education Act providing that the members of the District Educational Council who were representatives of the taluk boards could be considered to be representatives of the district boards. When the district boards were sought to be bifurcated, we failed to mention in the Act definitely and clearly about this point. I think we have provided in the Act that members of district boards can be members of the district educational council. I do not know the reason why the Government issued this notification one week back. The Tanjore District Board was bifurcated on 17th December 1934. The Government should have issued such a notification then after consulting their legal advisers. The Government slept over the matter. I do not know whether they

took the opinion of the Advocate-General. In the case of Vizagapatam also, the notification was published only in the last week's gazette, though that district board was bifurcated seven or eight months ago. Though the Guntur District Board was bifurcated two months ago, they have issued the notification only now. I do not know the reason why in the case of Tanjore and Vizagapatam, the Government allowed the members of the district educational council to continue as such for a long time. If the Government can wait for some time, we can bring forward an amending Bill rectifying the mistake committed by the Drafting Department. I want to know whether the Government did not consult the Advocate-General when the Elementary Education Act Amending Bill and the Local Boards Amending Bill were passed in the year 1934. If so, what is the opinion given by him then? If they did not consult him, may I know why? . . ."

* The Hon. the PRESIDENT :—" The hon. Member need not go into the merits of the case now."

Mr. P. V. KRISHNAYYA CHOUDARI :—" I wish to bring to the notice of the Council and of the Chair that these are pertinent points to decide that the motion is in order . . . ."

* The Hon. the PRESIDENT :—" If the hon. Member has any more pertinent points, he may mention them."

Mr. P. V. KRISHNAYYA CHOUDARI :—" In the case of Tanjore and Vizagapatam, the Government permitted the members of the district educational council to continue for a long time. I do not know whether the proceedings will be vitiated on this account. In the case of Guntur also, they may allow the present state of things to continue for some time more and the Government may bring forward legislation to ratify it. Personally I am not concerned in the matter. I have already handed over charge. I am concerned only about the districts other than Guntur."

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" Sir, I must submit with all respect to my hon. Friend, that the motion which he has given notice of does not raise any definite matter of urgent public importance. The Government Order to which he is taking exception consists of two parts. The first contains merely a statement that the existing members go out of office by operation of law and not by any act or order of the Government. The next portion which is really the operative portion of the order relates to the issue of a notification so as to enable the reconstituted district boards to elect their representatives. If my hon. Friend's motion is accepted and if, in pursuance of it, the Government vacate this Order, the result will be this: the existing members of the district educational council who had been elected by the Guntur District Board will cease to be members by operation of law and the two new district boards which have come in its place will have no representation at all on the district educational council. I do not think my hon. Friend will view with satisfaction or equanimity such a result. I submit the result of the motion

29th October 1935] [Mr. S. Kumaraswami Reddiyar]

being moved or accepted will be only that; the members who are at present on the district educational council will go out of office by operation of law automatically and no new members will be elected. So far as the other district boards which have been bifurcated are concerned, as my hon. Friend himself admitted, similar notifications have already been issued. I do not think I need explain why there has been delay with regard to the issue of the notifications. It is not my Friend's district educational council alone that has come in for any exceptional treatment; with regard to all district boards which have been bifurcated, the same procedure has been adopted. I may also mention for my hon. Friend's information—perhaps he knows it himself already—that in 1933 when the taluk boards were bifurcated or trifurcated in some cases, the members who represented these taluk boards on the district educational councils ceased to be members and new members who were elected by the reconstituted taluk boards took the place of the outgoing members. The same procedure is followed here also. It is on the advice of their legal advisers that the Government took such a step. My hon. Friend said that provision should have been made in the Elementary Education Act or the Local Boards Act enabling the existing members to continue. It is too late now to raise that question. I believe he was on the Select Committee which dealt with those two Bills; if he was serious about such a thing being done, that was the time when he should have raised the question. As regards his contention that these members whose terms of office have ceased by operation of law, having continued there, there may be legal difficulty about the validity of the proceedings of these district educational councils, I may assure my hon. Friend that he need not entertain any such fear. There is provision in the Elementary Education Act—section 27-A—against these proceedings being vitiated. Even if members who had no right to continue, had continued and taken part in the proceedings of the district educational council, the proceedings will not be vitiated on that account. I submit there is absolutely no ground on which an adjournment motion can be raised in this case."

* The Hon. the PRESIDENT:—"It looks as if the urgency is in favour of the Government Order. The passing of G.O. No. 2076 is in the interest of the public. The cancellation of the Government Order would create much difficulty. There is no urgency in the matter. I therefore disallow the motion."

IV.—ADJOURNMENT MOTION *RE* IMPRISONMENT FOR NON-PAYMENT OF LAND REVENUE IN SOUTH KANARA.

* Mr. U. C. SUBRAHMANYA BHATT:—"Mr. President, Sir, under Standing Order No. 19, I beg leave to move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the recent action of the Government in arresting and imprisoning respectable mirasidars of South Kanara district for non-payment of land revenue which has caused widespread panic and resentment in the district."